

BellSouth Telecommunications, Inc.
Legal Department
1600 Williams Street
Suite 5200
Columbia, SC 29201

patrick.turner@bellsouth.com

Patrick W. Turner
General Counsel-South Carolina

803 401 2900
Fax 803 254 1731

February 11, 2005

Mr. Charles Terreni
Chief Clerk of the Commission
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

Re: Application of BellSouth Telecommunications, Inc. to Provide In-Region
InterLATA Services Pursuant to Section 271 of the Telecommunications
Act of 1996
Docket No. 2001-209-C

Dear Mr. Terreni:

Enclosed for filing are the original and 10 copies of the Joint Motion of BellSouth Telecommunications, Inc. ("BellSouth") and the Competitive Carriers of the South, Inc. ("CompSouth") for Adoption of Settlement of Disputed Claims in the above-referenced matter.

On July 20, 2004, BellSouth filed a letter notifying the Public Service Commission of South Carolina ("the Commission") that BellSouth was withdrawing its Statement of Generally Available Terms ("SGAT"). In response thereto, on September 2, 2004, the Competitive Carriers of the South, Inc. ("CompSouth") filed its petition requesting that the Commission prevent BellSouth from withdrawing the referenced SGAT. On September 7, 2004, US LEC of South Carolina, Inc. ("US LEC") and Southeastern Competitive Carriers Association ("SECCA") filed a petition, a notice of intent, and comments in which they requested that the Commission prevent BellSouth from withdrawing the referenced SGAT.

In order to resolve this dispute, BellSouth and CompSouth have reached the settlement and compromise described in the attached Joint Motion regarding the withdrawal of the SGAT. BellSouth and CompSouth have asked US LEC and SECCA to accept the settlement, but they have refused. Accordingly, BellSouth and CompSouth respectfully request that the Commission enter an Order adopting the settlement in final resolution of this docket over the objections of US LEC and SECCA.

Mr. Charles Terreni
February 11, 2005
Page Two

By copy of this letter, I am serving this document on all parties of record.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick W. Turner". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Patrick W. Turner

PWT/nml
Enclosure
cc: All Parties of Record
DM5 # 571189

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2001-209-C

RECEIVED
2005 FEB 11 PM 12:27
SC PUBLIC SERVICE
COMMISSION

IN RE:

BELLSOUTH)	JOINT
TELECOMMUNICATIONS, INC. -)	MOTION FOR ADOPTION OF
APPLICATION TO PROVIDE IN-REGION)		SETTLEMENT OF
INTERLATA SERVICES PURSUANT TO)		DISPUTED CLAIMS
271 TELECOMMUNICATIONS ACT OF)		
1996 – SIX-MONTH REVIEW)	

As explained below, BellSouth Telecommunications, Inc. ("BellSouth") and the Competitive Carriers of the South, Inc. ("CompSouth") respectfully request the Public Service Commission of South Carolina ("the Commission") to enter an Order adopting the settlement agreement set for below in final resolution of this docket.

On July 20, 2004, BellSouth filed a letter notifying the Commission that BellSouth was withdrawing its Statement of Generally Available Terms ("SGAT"). In response thereto, on September 2, 2004, the Competitive Carriers of the South, Inc. ("CompSouth") filed its petition requesting that the Commission prevent BellSouth from withdrawing the referenced SGAT. On September 7, 2004, US LEC of South Carolina, Inc. ("US LEC") and Southeastern Competitive Carriers Association ("SECCA") filed a petition, a notice of intent, and comments in which they requested that the Commission prevent BellSouth from withdrawing the referenced SGAT.

In order to resolve this dispute, BellSouth and CompSouth have reached the settlement and compromise described below regarding the withdrawal of the SGAT.

BellSouth and CompSouth have asked US LEC and SECCA to accept the settlement set forth below, but they have refused. Accordingly, BellSouth and CompSouth respectfully request that the Commission enter an Order adopting the following settlement in final resolution of this docket over the objections of US LEC and SECCA:

Settlement of Disputed Claims

1. Except as set forth in paragraph (2) below, BellSouth's SGAT will be withdrawn and of no force and effect as of the earlier of: (a) the date of vacatur of the Interim Rules announced in the FCC's Order and Notice of Proposed Rulemaking, *Unbundled Access to Network Elements*, and *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Dockets 04-313 and 01-338 (released August 20, 2004); (b) the date the FCC implements permanent rules in FCC Dockets 04-313 or 01-338; or (c) March 12, 2005.

2. For any competitive local exchange carrier ("CLEC") that adopted, and was operating under, BellSouth's SGAT as of June 15, 2004, the withdrawal of BellSouth's SGAT pursuant to paragraph (1) above does not impact the rates, terms and conditions under which BellSouth provides service to such CLEC.

3. As of June 15, 2004, no CLEC may adopt BellSouth's SGAT in whole, or in part.

4. Once BellSouth's SGAT is withdrawn and no longer in force and effect, BellSouth will maintain the BellSouth Standard Interconnection Agreement on its interconnection website and make that Standard Interconnection Agreement available to CLECs pursuant to federal law.

5. In the event that BellSouth makes changes to its posted Standard Interconnection Agreement referred to in paragraph (4) to implement a change in law or orders of this Commission, a CLEC may petition this Commission requesting that the Commission resolve any dispute concerning such changes; however, this agreement shall not preclude BellSouth from asserting any defenses that it might ordinarily have to such a petition. In addition, where a CLEC requests to enter into BellSouth's Standard Interconnection Agreement, nothing in paragraph (4) above shall limit that CLEC's right to initiate an arbitration proceeding under Section 252(b) of the 1996 Act challenging any provision of the BellSouth Standard Interconnection Agreement that the CLEC believes is inconsistent with the law or orders of the Commission.

6. The Parties agree that the Petition filed by CompSouth on September 2, 2004 in Docket No. 2001-209-C shall be dismissed with prejudice.

7. This settlement is contingent upon the Commission approving the settlement and issuing an Order with the terms set forth above that is a final resolution of this docket including, without limitation, a final resolution of the Petition, Notice of Intent, and Comments filed by US LEC and SECCA on September 7, 2004 in Docket No. 2001-209-C.

8. The Parties agree that this settlement is made in order to avoid the further expense of litigation and that by entering into this settlement neither BellSouth nor CompSouth makes any admission regarding the validity of the position of the other party in this dispute.

Respectfully submitted,

By: Patrick W. Turner

Patrick W. Turner

1600 Williams Street, Suite 5200

Columbia, South Carolina 29201

(803) 401-2900 (telephone)

(803) 254-1731 (facsimile)

patrick.turner@bellsouth.com

ATTORNEY FOR BELLSOUTH

TELECOMMUNICATIONS, INC.

By: Robert E. Tyson, Jr. by power of attorney

Robert E. Tyson, Jr.

Sowell Gray Stepp & Laffitte, L.L.C.

1310 Gadsden Street (29201)

Post Office Box 11449

Columbia, South Carolina 29211

(803) 929-1400 (telephone)

(803) 929-0300 (facsimile)

rtyson@sowell.com

ATTORNEY FOR COMPETITIVE

CARRIERS OF THE SOUTH, INC.

561482

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) CERTIFICATE OF SERVICE

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, Inc. ("BellSouth") and that she has caused the Joint Motion for Adoption of Settlement of Disputed Claims in Docket No. 2001-209-C to be served upon the following this February 11, 2005:

Florence P. Belser, Esquire
General Counsel
Office of Regulatory Staff
Post Office Box 11263
Columbia, SC 29211
(U. S. Mail and Electronic Mail)

Sonia Daniels
Law & Government Affairs
AT&T – Southern Region
1200 Peachtree Street, NE, Rm. 4080
Atlanta, Georgia 30309
(AT&T)
(U. S. Mail and Electronic Mail)

Jocelyn G. Boyd, Esquire
Staff Attorney
S. C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(U. S. Mail and Electronic Mail)

Russell B. Shetterly, Esquire
P. O. Box 8207
Columbia, South Carolina 29202
(Knology of Charleston and Knology of South Carolina, Inc.)
(U. S. Mail and Electronic Mail)

RECEIVED
2005 FEB 11 PM 12:27
SC PUBLIC SERVICE
COMMISSION

Darra W. Cothran, Esquire
Woodward, Cothran & Herndon
1200 Main Street, 6th Floor
Post Office Box 12399
Columbia, South Carolina 29211
(MCI WorldCom Network Service, Inc.
MCI WorldCom Communications and
MCImetro Access Transmission Services, Inc.)
(U. S. Mail and Electronic Mail)

John F. Beach, Esquire
John J. Pringle, Jr., Esquire
Ellis Lawhorne & Sims, P.A.
Post Office Box 2285
Columbia, South Carolina 29202
(Resort Hospitality Services, Inc., NuVox
Communications, Inc., AIN and Momentum Business
Solutions, Inc.)
(U. S. Mail and Electronic Mail)

Marsha A. Ward, Esquire
Kennard Woods, Esquire
MCI WorldCom, Inc.
Law and Public Policy
6 Concourse Parkway, Suite 3200
Atlanta, Georgia 30328
(MCI)
(U. S. Mail and Electronic Mail)

Frank R. Ellerbe, Esquire
Bonnie D. Shealy, Esquire
Robinson, McFadden & Moore, P.C.
1901 Main Street, Suite 1200
Post Office Box 944
Columbia, South Carolina 29202
(NewSouth Communications Corp., SCCTA and SECCA
and KMC Telecom III, Inc.)
(U. S. Mail and Electronic Mail)

Genevieve Morelli
Kelley, Drye & Warren, LLP
1200 19th Street, N.W.
Washington, D.C. 20036
(KMC Telecom III, Inc.)
(U. S. Mail and Electronic Mail)

John D. McLaughlin, Jr.
Director, State Government Affairs
KMC Telecom, Inc.
1755 North Brown Road
Lawrenceville, GA 30043
(KMC Telecom)
(U. S. Mail and Electronic Mail)

Jack Derrick
Attorney
141111 Capital Blvd.
Wake Forest, NC 27587-5900
(Sprint/United Telephone)
(U. S. Mail and Electronic Mail)

Scott A. Elliott, Esquire
Elliott & Elliott
721 Olive Street
Columbia, South Carolina 29205
(Sprint/United Telephone)
(U. S. Mail and Electronic Mail)

Marty Bocock, Esquire
Director of Regulatory Affairs
1122 Lady Street, Suite 1050
Columbia, South Carolina 29201
(Sprint/United Telephone Company)
(U. S. Mail and Electronic Mail)

Faye A. Flowers, Esquire
Parker Poe Adams & Bernstein LLP
1201 Main Street, Suite 1450
Columbia, South Carolina 29202
(US LEC)
(U. S. Mail and Electronic Mail)

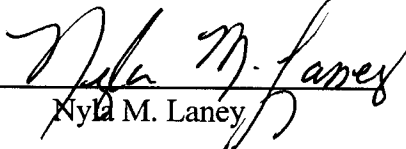
Andrew O. Isar
Director – State Affairs
7901 Skansie Avenue, Suite 240
Gig Harbor, WA 98335
(ASCENT)
(U. S. Mail and Electronic Mail)

Nanette Edwards, Esquire
ITC^DeltaCom Communications, Inc.
4092 S. Memorial Parkway
Huntsville, Alabama 25802
(U. S. Mail and Electronic Mail)

Timothy Barber, Esquire
Womble, Carlyle, Sandridge & Rice
3300 One First Union Center
301 South College
Suite 3300
Charlotte, North Carolina 20202
(AT&T)
(U. S. Mail and Electronic Mail)

Tami Azorsky, Esquire
McKenna & Cuneo, LLP
1900 K Street, N.W.
Washington, DC 20006
(AT&T)
(U. S. Mail and Electronic Mail)

William Prescott, Esquire
1200 Peachtree Street, N.E.
Suite 8100
Atlanta, Georgia 30309
(AT&T)
(U. S. Mail and Electronic Mail)


Nyla M. Laney